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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,437	11/30/2001	Gordon Ng	20395P	2865

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EXAMINER

NICHOLS, CHRISTOPHER J

ART UNIT PAPER NUMBER

1647

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,437	NG ET AL.	
	Examiner	Art Unit	
	Christopher J Nichols, Ph.D.	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) **1-17 (each in part)**, drawn to a method for determining whether a substance which binds GABA_B receptors and is a potential agonist or antagonist of said receptor comprising measuring the binding of gabapentin to heterodimers of HG20 and GABA_BR1a or GABA_BR1b in the presence and absence of said substance wherein HG20 is a polypeptide comprising an amino acid sequence consisting of *SEQ ID NO: 2 and fragments thereof*, classification dependent upon substance structure.

Group 2, claim(s) **1-17 (each in part)**, drawn to a method for determining whether a substance which binds GABA_B receptors and is a potential agonist or antagonist of said receptor comprising measuring the binding of gabapentin to heterodimers of HG20 and GABA_BR1a or GABA_BR1b in the presence and absence of said substance wherein HG20 is a polypeptide comprising an amino acid sequence consisting of *the DNA sequence deposited in GenBank accession no. AF056085*, classification dependent upon substance structure.

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Group 3, claim(s) **1-17 (each in part)**, drawn to a method for determining whether a substance which binds GABA_B receptors and is a potential agonist or antagonist of said receptor comprising measuring the binding of gabapentin to heterodimers of HG20 and GABA_BR1a or GABA_BR1b in the presence and absence of said substance wherein HG20 is a polypeptide comprising an amino acid sequence consisting of *the DNA sequence deposited in GenBank accession no. AJ012188*, classification dependent upon substance structure.

Group 4, claim(s) **1-17 (each in part)**, drawn to a method for determining whether a substance which binds GABA_B receptors and is a potential agonist or antagonist of said receptor comprising measuring the binding of gabapentin to heterodimers of HG20 and GABA_BR1a or GABA_BR1b in the presence and absence of said substance wherein HG20 is a polypeptide comprising an amino acid sequence consisting of *the DNA sequence deposited in GenBank accession no. ASF074482*, classification dependent upon substance structure.

Group 5, claim(s) **1-17 (each in part)**, drawn to a method for determining whether a substance which binds GABA_B receptors and is a potential agonist or antagonist of said receptor comprising measuring the binding of gabapentin to heterodimers of HG20 and GABA_BR1a or GABA_BR1b in the presence and absence of said substance wherein HG20 is a polypeptide comprising an amino acid sequence consisting of *a chimeric HG20 protein*, classification dependent upon substance structure.

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Group 6, claim(s) 18, drawn to a method of identifying gabapentin-like agonists of the GABA_B receptor.

4. According to PCT Rule 13.2, unity of invention exists only when there is a shared same or corresponding special technical feature among the claimed inventions. All the groupings are directed to GABA_B screening methods but each group has a different special technical feature not shared by the remaining groups.

5. Group 1 has the special technical feature of *SEQ ID NO: 2 and fragments thereof* not shared by any of the remaining groups.

6. Group 2 has the special technical feature of *the DNA sequence deposited in GenBank accession no. AF056085* not shared by any of the remaining groups.

7. Group 3 has the special technical feature of *the DNA sequence deposited in GenBank accession no. AJ012188* not shared by any of the remaining groups.

8. Group 4 has the special technical feature of *the DNA sequence deposited in GenBank accession no. ASF074482* not shared by any of the remaining groups.

9. Group 5 has the special technical feature of *a chimeric HG20 protein* not shared by any of the remaining groups.


10. Group 6 has the special technical feature of *gabapentin-like agonists* not shared by any of the remaining groups.

11. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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12. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, separate search requirements, and/or different classification, restriction for examination purposes as indicated is proper.

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


BRENDA BRUMBACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher James Nichols, Ph.D.** whose telephone number is **(571) 272-0889**. The examiner can normally be reached on Monday through Friday, 8:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Brenda Brumback** can be reached on **(571) 272-0961**.

The fax number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

CJN
July 7, 2004


BRENDA BRUMBACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600